IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15847 of 2004

Between:

K. Shankaraiah, S/o. Chandraiah,
R/o. H.No.2-88, Chakalivada, Huzurabad Post & Mandal,
Karimnagar District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C.,
Manthani Depot, Manthani, Karimnagar District.
2 Divisional Manager, A.P.S.R.T.C., Karimnagar Region, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ Mandamus or any other appropriate writ declaring the action of the respondents in deleting the name of the petitioner vide proceedings No. E1/1(14)/2001-MNTY, Dated 15-3-2001 is illegal and arbitrary, and consequently direct the respondents to reinstate the petitioner into service with back wages and all other attendant benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.RAJINI REDDY

(SC FOR APSRTC)

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15847 OF 2004

ORDER:

The petitioner contends that he was selected as a Driver Grade-II through the process of selection by a Departmental Selection Committee. He was engaged as a Driver Grade-II on daily wage basis through the proceedings dated 21-01-1992.

2. In November, 2000, he became sick, therefore, he could not attend to his duties. The respondents issued a charge sheet on 05-02-2001 alleging that he failed to report to duty from 21-11-2000 for a period of 15 days, and even after 15 days also he did not report to duty and failed to attend a training course at the Zonal Training Staff College, Warangal as directed by the authorities and absented from duty without permission of the competent authority. He submitted an explanation on 17-02-2001. When he subsequently reported to duty, the concerned authorities asked him to weight for further orders. Later the second respondent issued a show cause notice on 02-03-2001 proposing a punishment of removal from service. He submitted an explanation to the show cause notice on 07-03-2001 stating that he was medically sick. Without considering the said explanation, he was issued proceedings on 15-03-2001 deleting his name from the selected list of daily wage Drivers at Karimnagar Region.

3. Aggrieved by the said order, he preferred an appeal to the Divisional Manager, Karimnagar Division on 25-4-2002 and the same was rejected on the ground that no appeal lies against the order of deletion of the names from the list of selected candidates.

4 . The petitioner, therefore, approached this Court through this writ petition questioning the order of the second respondent and seeking to declare

that the order of deletion of the name of the petitioner from the list of selected candidates, as illegal and arbitrary.

5 . The impugned order does not disclose whether any enquiry was conducted in pursuance of the charge sheet served on the petitioner. Since the name of the petitioner was deleted from the list of the selected candidates without conducting any enquiry, the order cannot be sustained, therefore, the order dated 15-03-2001 deleting the name of the petitioner from the list of the selected candidates is set aside.

6. The Writ Petition is accordingly allowed. The respondents are directed to restore the name of the petitioner in the list of selected candidates and continue to engage him as a daily wage Driver in the manner in which he was being engaged as a daily wage Driver previously. However, the respondents are not precluded from conducting any enquiry against the petitioner as per Rules and pass appropriate orders after giving sufficient opportunity to the petitioner. No order as to costs.

Dr. G.YETHIRAJULU, J

07th September, 2004

SKM

TO

1 The Depot Manager, A.P.S.R.T.C.,
Manthani Depot, Manthani, Karimnagar District.
2 Divisional Manager, A.P.S.R.T.C., Karimnagar Region, Karimnagar.

3 Two C.D. Copies.